

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOSHUA LEE VINSON, SR.,

Plaintiff,

v.

Case No. 19-cv-1237-bhl

JASON DEBRUIN, et al.,

Defendants.

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**DECISION AND ORDER**

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Plaintiff Joshua Lee Vinson, Sr., is representing himself in this §1983 case. When he filed his complaint, he did not know the names of the Defendants, so the Court allowed him to use John Doe placeholders. Over the last year, Vinson has identified several of the Defendants and the Court has replaced several of the John Doe placeholders with specific individual defendants. On March 15, 2021, Vinson identified the only remaining John Doe as Chad Melby. Dkt. No. 72. The Court will update the caption and order the U.S. Marshals Service to serve the amended complaint on Melby.

As to scheduling, the Court notes that discovery is set to close on April 13, 2021, and dispositive motions are due on May 13, 2021. The Court will maintain the discovery deadline as to Vinson's claims against defendants Jason DeBruin, Justin Schmidt-Quist, Stephen Jaskowiak, and Steven Fish. All discovery as to the claims against those defendants must be completed by April 13, 2021. With respect to Vinson's claim against Melby, the newly named Defendant, the Court will set a new discovery deadline after Melby responds to Vinson's amended complaint.

The Court will vacate the dispositive motion deadline and will set a new deadline after Melby responds.

**IT IS THEREFORE ORDERED** that the United States Marshal shall serve a copy of the amended complaint (Dkt. No. 53), the screening order (Dkt. No. 52), and this order upon Defendant Chad Melby pursuant to Federal Rule of Civil Procedure 4. Vinson is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. §1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§0.114(a)(2)-(3). Although Congress requires the Court to order service by the U.S. Marshals Service precisely because *in forma pauperis* plaintiffs are indigent, it has not made any provision for these fees to be waived either by the Court or by the U.S. Marshals Service. The Court is not involved in the collection of the fee.

**IT IS FURTHER ORDERED** that Melby shall file a responsive pleading to the amended complaint.

**IT IS FURTHER ORDERED** that Vinson may not serve discovery requests on Melby until after the Court sets a discovery deadline for his claim against Melby.

**IT IS FURTHER ORDERED** that the dispositive motion deadline is **VACATED**. The Court will set a new dispositive motion deadline for the parties after Melby responds to Vinson's amended complaint.

Dated at Milwaukee, Wisconsin this 16th day of March, 2021.

BY THE COURT:

s/ Brett H. Ludwig  
BRETT H. LUDWIG  
United States District Judge